

**§ 522.4 Procedure for action upon an application.**

(a) Upon receipt of an application for a certificate or a renewal of a certificate, the Administrator or his authorized representative shall consider all of the relevant facts and, subject to the conditions specified in § 522.5, shall issue or deny a learner certificate. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views on the application prior to granting or denying a learner certificate.

(b) If a learner certificate is issued, there shall be published in the FEDERAL REGISTER a statement of the terms of such certificate together with a notice that, pursuant to § 522.9, for fifteen (15) days following such publication any interested persons may file written requests for reconsideration or review.

(c) If a learner certificate is denied, notice of such denial shall be sent to the employer and such denial shall be without prejudice to the filing of any subsequent application.

[20 FR 647, Jan. 29, 1955, as amended at 24 FR 204, Jan. 8, 1959]

**§ 522.5 Conditions governing issuance of a learner certificate.**

The following conditions shall govern the issuance of a special certificate authorizing the employment of learners at subminimum wage rates:

(a) An adequate supply of qualified experienced workers is not available for employment; the experienced workers presently employed in the plant in occupations in which learners are requested are afforded an opportunity, to the fullest extent possible, for full-time employment; learners are available for employment; and the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) Reasonable efforts have been made to recruit experienced workers, including the placement of an order with the local State or Territorial Public Employment Service Office (except in possessions where there is not such office) not more than fifteen days prior to the date of application. Written evidence from such office that the order

has been placed shall be submitted by the employer with the application.

(c) The issuance of a learner certificate will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry.

(d) Abnormal labor conditions such as a strike, lock-out, or other similar condition, do not exist at the plant for which a learner certificate is requested.

(e) There are no serious outstanding violations of the provisions of a learner certificate previously issued to the company, nor have there been any serious violations of the act which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

(f) The occupation or occupations in which learners are to receive training involve a sufficient degree of skill to necessitate an appreciable training period.

(g) Learners shall be afforded every reasonable opportunity for continued employment upon completion of the learning period.

[20 FR 647, Jan. 29, 1955, as amended at 22 FR 554, Jan. 29, 1957]

**§ 522.6 Terms and conditions of employment under learner certificates.**

(a) A learner certificate, if issued, shall specify, among other things: (1) The number or proportion of learners authorized to be employed on any one day; (2) the occupations in which learners may be employed; (3) the subminimum wage rates permitted during the authorized learning period; (4) the learning period for each authorized learner occupation; and (5) the effective and expiration dates of the certificate.

(b) A learner certificate for normal labor turnover purposes may be issued for a period not longer than one year. A learner certificate for a new or expanding plant may be issued for a period not longer than six months. A renewal certificate will not be issued unless there is a clear showing that the conditions set forth in § 522.5 still prevail. A renewal expansion certificate